

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 03-12469-JLT

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AMERICAN TOWER CORPORATION )  
Plaintiff, )  
v. )  
GRANITE STATE INSURANCE COMPANY )  
Defendant, )  
and )  
FRED A NUDD CORPORATION )  
Defendant and )  
Third-Party Plaintiff, )  
UNDERHILL CONSULTING )  
ENGINEER, P.C. )  
Third-Party Defendant. )

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**ASSENTED-TO MOTION OF THE DEFENDANT, GRANITE STATE  
INSURANCE COMPANY, TO EXTEND THE TIME TO ANSWER THE  
PLAINTIFF'S COMPLAINT**

The defendant, Granite State Insurance Company ("Granite State"), respectfully moves, with the assent of the plaintiff, to extend the time for it to answer the plaintiff's Complaint up to and including May 11, 2004. Counsel for the plaintiff assented to this motion on April 13, 2004. In support thereof, Granite State states as follows:

1. The plaintiff's Complaint was served to Granite State on or about November 17, 2003;

2. The defendants subsequently removed this lawsuit to this Court from the Suffolk County Superior Court on or about December 18, 2003;

3. Granite State then filed a motion to dismiss all counts of the plaintiff's Complaint on December 16, 2003;

4. The plaintiff filed its opposition to Granite State's motion to dismiss on or about January 9, 2004.

5. Unbeknownst to Granite State, however, Judge Tauro issued an electronic order denying Granite State's motion to dismiss on January 16, 2004. Neither attorney for Granite State received Judge Tauro's electronic order.

6. Counsel for Granite State submits that they learned for the first time on April 12, 2004 that Judge Tauro had denied Granite State's motion to dismiss when they visited the Court's online docket for this case.

7. Because the defendant, Fred A. Nudd Corporation, recently added Underhill Consulting Engineer, P.C. as a third-party defendant to this action, Granite State submits that no prejudice will result to the plaintiff or any other party to this litigation.

8. Underhill's answer to Fred A. Nudd Corporation's third-party complaint is due on May 11, 2004, and Granite State requests that it be permitted to file its answer by that date as well.

WHEREFORE, the defendant, Granite State Insurance Company, respectively requests an extension up to and including May 11, 2004, to answer the plaintiff's amended complaint.

The Defendant,

The Plaintiff,

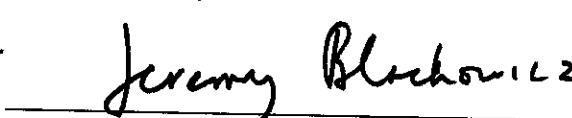
GRANITE STATE INSURANCE COMPANY, AMERICAN TOWER CORPORATION,

By its Attorneys,



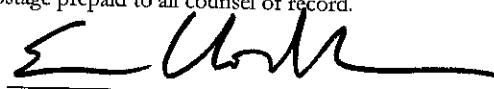
Craig R. Waksler, Esq.  
B.B.O. # 566087  
Eric M. Chodkowski, Esq.  
B.B.O. # 648629  
TAYLOR, DUANE, BARTON &  
GILMAN, LLP  
111 Devonshire Street  
Boston, MA 02109  
(617) 654-8200

By its Attorneys,

  
Jeremy Blackowicz /one  
Doreen M. Zankowski, Esq.  
B.B.O. # 558381  
Jeremy Blackowicz, Esq.  
B.B.O. # 650945  
HINCKLEY, ALLEN & SNYDER, LLP  
28 State Street  
Boston, MA 02109  
(617) 345-9000

CERTIFICATE OF Rule 7.1 CONFERENCE AND OF SERVICE

I, Eric M. Chodkowski, hereby certify that, prior to filing the within motion, I conferred with counsel for the plaintiff concerning said motion, who advised that they assent to said motion. I further certify that on this 13 day of April, 2004, I served a copy of the above motion by mailing same, postage prepaid to all counsel of record.



Eric M. Chodkowski